

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

STEVEN BUSCH,

Plaintiff,

ANSWER WITH DEFENSES

Civil Action No.: 07-CV-00545(f)

against-

VAN RU CREDIT CORPORATION,

Defendant.

Defendant, VAN RU CREDIT CORPORATION, (hereinafter "Defendant"), by its attorneys, LACY KATZEN LLP, for its answer to the Complaint, alleges as follows:

1. Admits the allegations contained in paragraphs 1, 2, 3 and 10 through 12 of Plaintiff's Complaint.
2. Admits the allegations contained in paragraphs 4, 5, 7, 8 and 9 of Plaintiff's Complaint, insofar as Plaintiff alleges to bring this action against Defendant for alleged violations of the Fair Debt Collection Practices Act. Defendant denies any liability as to Plaintiff's allegations.
3. Denies information sufficient to form a belief, as to all those allegations contained in paragraphs 6 and 13 through 33 of Plaintiff's Complaint.
4. Denies all those allegations contained in Plaintiff's Complaint not heretofore admitted, denied or controverted.

AS FOR A FIRST AFFIRMATIVE DEFENSE
ON BEHALF OF DEFENDANT:

5. Repeats and realleges each and every allegation contained in paragraphs 1 through 4 above as though set forth in full herein.
6. Plaintiff fails to state a cause of action for which relief may be granted.

AS FOR A SECOND AFFIRMATIVE DEFENSE
ON BEHALF OF DEFENDANT:

7. Repeats and realleges each and every allegation contained in paragraphs 1 through 7 above as if set forth in full herein.
8. Plaintiff has failed to state a claim for actual damages in accordance with 15 USC §1692k.

AS FOR A THIRD AFFIRMATIVE DEFENSE
ON BEHALF OF DEFENDANT:

9. Repeats and realleges each and every allegation contained in paragraphs 1 through 8 above as if set forth in full herein.
10. Plaintiff failed to mitigate damages, if any.

WHEREFORE, Defendant respectfully requests that Plaintiff's Complaint be dismissed, Defendant's reasonable attorney's fees and costs and for such other and further relief which to the Court may seem just and proper.

DATED: April 9, 2007
Rochester, New York

/s/ Pamela D. Baird

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